

CHAPTER 76

PARTITION FENCES

H. F. 340.

AN ACT to repeal section twenty-three hundred fifty-five (2355) of the code and all amendments thereto (C. C. Sec. 1187), relating to partition fences, and to enact a substitute therefor.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. **Partition fences.** That section twenty-three hun-
2 dred fifty-five (2355) of the code and all acts amendatory thereto (C.
3 G. Sec. 1187), are hereby repealed and the following is enacted in
4 lieu thereof:

5 "The respective owners of adjoining tracts of land shall upon writ-
6 ten request of either owner, be compelled to erect and maintain parti-
7 tion fences, or contribute thereto, and keep the same in good repair
8 throughout the year, and if said fence be hedge, the owner thereof
9 shall trim or cut it back twice during each calendar year, the first
10 time during the month of June and the last time during the month of
11 September, to within five feet from the ground, unless such owners
12 otherwise agree in writing to be filed with and recorded by the town-
13 ship clerk."

Approved March 29, A. D. 1921.

CHAPTER 77

PRACTICE OF OSTEOPATHY

H. F. 330.

AN ACT to repeal sections twenty-five hundred eighty-three-a (2583-a), twenty-five hundred eighty-three-b (2583-b), twenty-five hundred eighty-three-c (2583-c), twenty-five hundred eighty-three-d (2583-d), twenty-five hundred eighty-three-e (2583-e), twenty-five hundred eighty-three-f (2583-f), supplement to the code, 1913, (C. C. Chapter 7) and enact a substitute therefor regulating the practice of osteopathy and osteopathy and surgery and fixing a penalty for violation thereof.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. **Repeal.** That sections twenty-five hundred eighty-
2 three-a (2583-a), twenty-five hundred eighty-three-b (2583-b),
3 twenty-five hundred eighty-three-c (2583-c), twenty-five hundred
4 eighty-three-d (2583-d), twenty-five hundred eighty-three-e (2583-e),
5 twenty-five hundred eighty-three-f (2583-f), supplement to the code,
6 1913, be and the same are hereby repealed and the following enacted
7 in lieu thereof.

1 SEC. 2. **Practice of osteopathy.** From and after the taking ef-
2 fect of this act, it shall be unlawful for any person to practice or at-
3 tempt to practice osteopathy or osteopathy and surgery as herein de-
4 fined, without a license so to do, issued by the state board of osteo-
5 pathic examiners, created by this act.

1 **SEC. 3. Osteopathy defined.** The word "osteopathy" as used in
2 this act is the name of that system of the healing art which places
3 the chief emphasis on the structural integrity of the body mechanism
4 as being the most important factor for maintaining the organism in
5 health.

1 **SEC. 4. Scope of act.** The practice of medicine and surgery by
2 persons authorized under the laws of this state to practice medicine
3 and surgery shall in no way be affected by the provisions of this act,
4 nor affect the right to apply for authority to practice medicine and
5 surgery.

1 **SEC. 5. Existing licenses.** Any license or certificate heretofore
2 issued under the laws of this state authorizing its holder to practice
3 osteopathy shall in no wise be affected by the provisions of this act.

1 **SEC. 6. State board — term — appointment — examinations —**
2 **compensation.** The administration of the provisions of this act and
3 the issuance of all licenses specified in the act, shall be done by a body
4 of three, who shall constitute the state board of osteopathy, herein-
5 after referred to as "the board". The members of the board shall be
6 the examiners of all applicants under this act. Within thirty days
7 after this act shall take effect the governor shall appoint three mem-
8 bers of said board who shall each be regularly licensed osteopathic
9 physicians or osteopathic physicians and surgeons, in good standing
10 and recommended by the regular osteopathic organization in this
11 state. Neither shall be an officer or member of any faculty of any
12 osteopathic or medical college. Each shall have been engaged in the
13 practice of osteopathy for a period of at least five years immediately
14 preceding the appointment. One shall be appointed for a term of one
15 year, one for a term of two years and one for a term of three years,
16 and thereafter it shall be the duty of the governor to appoint or re-
17 appoint one examiner each year and for a term of three years, the
18 three year appointments being made as the ones heretofore specified
19 lapse. Each examiner shall continue in office until his successor has
20 been appointed and has qualified.

21 The board shall have and use a common seal and may make and
22 adopt the necessary rules and regulations and by-laws relating to the
23 enforcement of the provisions of this act and not inconsistent there-
24 with. It shall keep a record that shall contain the name of every reg-
25 istered osteopath or osteopathic surgeon, the date and number of the
26 license issued to him or her and his or her last place of residence.
27 Said record shall further contain a statement of the proceedings of
28 the board relating to the issuance, refusal, renewal, suspension or
29 revocation of any license authorized by this act. Examinations shall
30 be made at least twice in each year and at such times and places as
31 are fixed by the board. Of these examinations all applicants shall be
32 notified in writing. The examination shall be in writing and each
33 applicant shall be given the same set of questions. When concluded,
34 the examination papers shall be marked upon a scale of 100%. The
35 average required to pass shall be fixed by the board prior to each
36 examination.

37 Upon obtaining an order for examination the applicant shall by
38 the board be given a confidential number. This number the appli-
cant shall put upon his work when completed, all to the end that the

39 board in passing on the examination may not know by whom the
40 papers reviewed were prepared.

41 All matters connected with the examination shall be filed with the
42 board and preserved for five years as a part of its record, during
43 which time such matters shall be open to public inspection.

44 The compensation of the members of the board shall be fixed by
45 by-laws adopted by it, but the total paid out for compensation and for
46 all expenditures authorized by this act shall not exceed the fees re-
47 ceived from applications for license. If the receipts from licenses
48 shall in any one year exceed payments authorized by this act, such
49 surplus shall by the board be covered into the state treasury on or be-
50 fore the last day of that year.

1 SEC. 7. **Applications—fees—supplies—rooms.** Each applicant
2 for the examination provided for in this act shall comply with the fol-
3 lowing requirements:

4 1. Make application for examination in blank forms prepared and
5 furnished by the state board of osteopathy.

6 2. Submit evidence verified on oath and satisfactory to the board
7 that applicant is twenty-one years of age or over, and is of good
8 moral character.

9 3. Designate on the application whether applicant desires to prac-
10 tice as an osteopathic physician, or as an osteopathic physician and
11 surgeon.

12 4. Pay in advance to the board, fees as follows:

13 a. For examination of an osteopathic physician\$10.00

14 b. For examination of an osteopathic surgeon.....\$10.00

15 c. For issuance of license\$ 5.00

16 d. For the license to one applying therefor under
17 the provisions of section 13, hereof.....\$25.00

18 e. The board may, notwithstanding the presentation of a diplo-
19 ma from an osteopathic school or college in good standing, as herein
20 defined, subject the applicant to an examination to ascertain whether
21 he has the educational requirements usually possessed by those who
22 have completed an approved course of study in such high school or
23 other equivalent school as is described in this act.

24 The fee for making this examination shall be five dollars (\$5.00).
25 But no such examination shall be required where the applicant pre-
26 sents a certificate that he has passed a satisfactory written examina-
27 tion before this board or a like board in another jurisdiction in such
28 studies as are embraced in the curriculum of a reputable average
29 accredited high school.

30 f. The board, subject to the limitations hereinbefore stated,
31 shall have authority to purchase typewriting machines, stationery and
32 postage, and subject to such limitations it has authority to employ
33 necessary clerical help and to incur and reimburse its members for
34 necessary traveling expenses.

35 g. The executive council shall furnish the board suitable quar-
36 ters wherein to perform its functions, and which shall be adequate
37 to accommodate the clerical help employed by the board and the coun-
38 cil shall equip such quarters with suitable furniture.

1 SEC. 8. **Practitioners—qualifications.** The board shall issue no
2 license to practice as an osteopathic physician or as an osteopathic
3 physician and surgeon unless the applicant shall be a graduate of a

4 school or college of osteopathy in good standing. To be such school
 5 or college it must be a legally chartered osteopathic school or college.
 6 It must, as a condition precedent to admission thereto, require an ap-
 7 plicant for admission to have throughout four years pursued a course
 8 of study in preliminary education equal to the requirements exacted by
 9 an average reputable accredited high school as a condition precedent
 10 to graduation. It shall not be deemed to be such school or college in
 11 good standing unless it will not grant a degree of doctor of osteopathy
 12 or of osteopathy and surgery to one who has not been in actual attend-
 13 ance in such school or college for at least thirty-six (36) months of
 14 four terms of nine months each, nor unless the course of study in
 15 such osteopathic school or college includes the following: Obstetrics,
 16 minor surgery with emphasis on fractures, and dislocations; and em-
 17 bodying necessary instruction in anesthetics, antiseptics, germicides,
 18 parasiticides, narcotics and antidotes, and teaching principles of
 19 surgery and surgical diagnosis leading to the degree of osteopathic
 20 physician (or doctor of osteopathy).

1 **SEC. 9. Additional qualifications.** To practice as an osteopath-
 2 ic physician and surgeon, the applicant, in addition to the require-
 3 ments set forth in this section, shall:

4 1. Either have completed a two years' post-graduate course in a
 5 reputable professional school or college of osteopathy, involving a
 6 thorough and intensive study in the subject of surgery, or

7 2. Has completed a one year post-graduate course in a reputable
 8 school or college of osteopathy as aforesaid and in addition thereto,
 9 a one year course of training as a surgical assistant in a hospital
 10 having at least twenty-five beds for patients and equipped for doing
 11 major surgical work.

1 **SEC. 9-a. School in "good standing."** To constitute such school
 2 or college of osteopathy, one in good standing, the same must in its
 3 said course of thirty-six (36) months include the subjects following
 4 and have same taught for the minimum number of hours following,
 5 to wit: as stated, described and fixed in section ten (10) hereof.

1 **SEC. 10. School or college defined.** The term school or col-
 2 lege of osteopathy in good standing shall be defined as follows: a
 3 legally chartered osteopathic school or college requiring for admis-
 4 sion to its course of study a preliminary education equal to the re-
 5 quirements for graduation of an accredited high school, and shall
 6 further require before granting the degree of doctor of osteopathy or
 7 osteopathy and surgery, an actual attendance at such osteopathic
 8 school or college of at least thirty-six months or four terms of nine
 9 months each, no two of which shall be given in any one year, its
 10 course of study to include the subjects and the minimum hours taught
 11 in each thereof as follows:

Subject	Hours
12 Anatomy (descriptive, regional, applied surgical and dis-	
13 section)	600
14 Embryology	70
15 Chemistry (advanced to include organic and physiological	
16 chemistry and toxicology	300
17 Histology	180
18 Physiology	300

6 2. That the applicant shall designate in application whether appli-
7 cant desires to practice, (a) as an osteopathic physician, (b) as an
8 osteopathic physician and surgeon.

9 3. That the requirements of registration in the country, state, ter-
10 ritory or province in which the applicant is licensed, are deemed by the
11 state board of osteopathy to have been practically equivalent to the
12 requirements of registration in force in this state at the date of such
13 license.

14 The state board of osteopathy may also in its discretion issue a li-
15 cense without examination to an osteopathic physician who is a grad-
16 uate of an osteopathic college in good standing and who has passed an
17 examination for admission into the medical corps of the United
18 States army, United States navy, or the United States public health
19 service.

1 SEC. 14. Display of license. Every holder of a license shall
2 display it in a conspicuous place in the holder's principal office, place
3 of business or employment.

1 SEC. 15. Limitations—interpreting clause. Subject only to the
2 limitation that obtaining license, refusal to license, revocation or sus-
3 pension of license of osteopathic physicians or osteopathic surgeons
4 shall be governed by the provisions of this act and to the further
5 limitation that nothing found in the act shall authorize such physi-
6 cian or surgeon to prescribe or give internal curative medicines, and
7 subject further to the limitation that one licensed to practice as an
8 osteopathic physician only shall not perform major or operative sur-
9 gery. Such words as physician, regular practicing physician, doctor,
10 doctor of medicine, regular practitioner, medical practitioner, medi-
11 cal school, medical college, or their equivalents, wheresoever found
12 in any existing law or statute, shall, both as to privilege, duty and
13 obligation, be enlarged to include osteopathic physicians and osteo-
14 pathic physicians and surgeons to like effect as if the words osteo-
15 pathic physician or osteopathic physician and surgeon were written
16 out in such statute.

SEC. 16. Refusal or revocation of license—hearing—witnesses.

1 The state board of osteopathy may either refuse to issue or may sus-
2 pend or revoke any license for any one or any combination of the fol-
3 lowing causes:

4 a. Conviction of a felony, as shown by a certified copy of the rec-
5 ord of the court of conviction;

6 b. The obtaining of or an attempt to obtain a license, or practice
7 in the profession, or money, or any other thing of value, by fraudulent
8 misrepresentations;

9 c. Gross malpractice;

10 d. Continued practice by a person knowingly having an infectious
11 or contagious disease;

12 e. Advertising, practicing, or attempting to practice under a name
13 other than one's own;

14 f. Advertising by means of knowingly false or deceptive state-
15 ments;

16 g. Habitual drunkenness, or habitual addiction to the use of habit-
17 forming drugs.

18 The state board of osteopathy may neither refuse to issue, nor re-

19 fuse to renew, nor suspend, nor revoke any license, however, for any
 20 of these causes, unless the person accused has been given at least
 21 twenty days' notice in writing of the charge against him and a pub-
 22 lic hearing by the state board of osteopathy.

23 The state board of osteopathy shall have the power to compel the
 24 attendance of witnesses and the production of relevant books and
 25 papers for the investigation of matters that may come before them
 26 and the presiding officers of said board, chosen by the board, may
 27 administer the requisite oaths and such board shall have the same
 28 authority to compel the giving of testimony as is conferred on courts
 29 of justice.

1 SEC. 17. Misdemeanors. Each of the following acts constitutes
 2 a misdemeanor, punishable, upon conviction, by a fine of not less than
 3 twenty-five dollars (\$25.00) nor more than two hundred dollars
 4 (\$200.00).

5 a. The practice of osteopathy or an attempt to practice osteopathy
 6 without a license;

7 b. The obtaining of, or an attempt to obtain a license, or practice
 8 in the profession, or money, or any other thing of value by fraudu-
 9 lent misrepresentation;

10 c. The making of any willfully false oath or affirmation whenever
 11 an oath or affirmation is required by this act;

12 d. Advertising, practicing or attempting to practice under a name
 13 other than one's own.

1 SEC. 18. Itinerant osteopath—license—revocation. Every per-
 2 son practicing osteopathy, or osteopathic surgery, or obstetrics, or
 3 professing to treat, cure or heal diseases, ailments or injury by osteo-
 4 pathic application or method, who goes from place to place, or from
 5 house to house, or by circulars, letters or advertisements, solicits
 6 persons to meet him for professional treatment at places other than
 7 his office or at the place of his residence, shall be considered an itin-
 8 erant osteopath; and such itinerant osteopath, shall, in addition to
 9 the license elsewhere provided for in this act, procure from the state
 10 board of osteopathic examiners, a license as an itinerant, for which
 11 he shall pay to the treasurer of state, for the use of the state of Iowa,
 12 the sum of two hundred fifty (\$250.00) dollars per annum. Upon
 13 payment of this sum, the state board of osteopathic examiners shall
 14 issue to the applicant therefor, a license to practice within the state,
 15 as an itinerant osteopath, for one year from the date thereof. The
 16 board may, for satisfactory reasons, refuse to issue such license, or
 17 may cancel such license upon satisfactory evidence of incompetency
 18 or gross immorality.

1 SEC. 19. Act defined. This act shall be known and cited as "The
 2 Iowa Osteopathic Act".

1 SEC. 20. Publication clause. This act, being deemed of immedi-
 2 ate importance, shall be in force and effect from and after its pub-
 3 lication in The Des Moines Capital and The Iowa Forum, newspapers
 4 published at Des Moines, Iowa.

Approved March 29, A. D. 1921.

I hereby certify that the foregoing act was published in the Des Moines Capital April
 2, 1921, and in the Iowa Forum March 30, 1921.

W. C. RAMSAY, *Secretary of State.*